

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MISSOURI
3 SOUTHEASTERN DIVISION

4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 vs. Cause No. 1:13CR00008 SNLJ

7 BYRON C. GLENN,

8 Defendant.

=====

9 TRANSCRIPT OF INITIAL APPEARANCE

10 BEFORE THE HONORABLE LEWIS M. BLANTON
11 UNITED STATES MAGISTRATE JUDGE

12 FEBRUARY 6, 2013

13 APPEARANCES

14 For the Government:

15 Harry Morley Swingle
16 Office of US Attorney
17 555 Independence
18 Room 3000
19 Cape Girardeau, MO 63703

20 For the Defendant:

21 Pro Se

22 Transcribed by:

23 Alison M. Garagnani, CCR #475, CSR, RMR
24 Official Court Reporter
25 United States District Court
555 Independence, Room 3100
Cape Girardeau, MO 63703
(573)331-8832

Proceedings Recorded by Electronic Recording

1 (THE PROCEEDINGS BEGAN AT 2:26 P.M.)
2 (THE FOLLOWING PROCEEDINGS WERE HELD
3 IN OPEN COURT AND WITH THE DEFENDANT PRESENT:)

4 THE COURT: This is Cause
5 No. 1:13-CR-8 SNLJ, United States of America
6 versus Byron Cornelius Glenn.

7 Comes now the United States by
8 Assistant United States Attorney Morley Swingle.

9 Are you Byron Cornelius Glenn?

10 THE DEFENDANT: I'm the beneficiary
11 of that name.

12 THE COURT: What's that mean?

13 THE DEFENDANT: Well, I'm not the
14 legal fiction.

15 THE COURT: Are you Byron
16 Cornelius --

17 THE DEFENDANT: I'm Byron -- I go by
18 Byron Cornelius. I'm not the trustee for that
19 name.

20 THE COURT: Is your last name Glenn?

21 THE DEFENDANT: Well, that's
22 debatable too. If you'll look at my birth
23 certificate, it says legally --

24 THE COURT: I'm not going to look at
25 your birth certificate.

1 THE DEFENDANT: well, I'm just
2 trying to tell you why I can't answer that
3 question.

4 THE COURT: Comes the Defendant in
5 person unrepresented.

6 Mr. Glenn, have you received a copy
7 of the indictment?

8 THE DEFENDANT: Are you referring to
9 me, Your Honor?

10 THE COURT: Yeah, I'm referring to
11 you.

12 THE DEFENDANT: I have this document
13 before me.

14 THE COURT: Does it say indictment
15 on it?

16 THE DEFENDANT: Yes, it does.

17 THE COURT: All right. would you
18 like me to go over that with you, or do you
19 understand what you're charged with?

20 THE DEFENDANT: No, I do not.

21 THE COURT: All right. You're
22 charged in five counts. The first count charges
23 that on or about July 26th, 2012 in the
24 Southeastern Division of the Eastern District of
25 Missouri you knowingly with the intent to defraud

1 presented to the First State Community Bank in
2 Cape Girardeau, Missouri, a fictitious
3 instrument, specifically an item that purported
4 to be a money order in the amount of \$149,593.67
5 dated July 26th, 2012, purporting to be drawn
6 upon an account bearing a United States Treasury
7 routing number, in an attempt to pay off a
8 mortgage loan, and such fictitious instrument
9 purported to be an actual money order, a
10 security, issued under the authority of the
11 United States. All in violation of the statute.

12 Count II charges with on or about
13 July 26th, 2012, in the Southeastern Division of
14 the Eastern District of Missouri you knowingly,
15 with the intent to defraud, presented to the
16 First State Community Bank in Cape Girardeau,
17 Missouri, a fictitious instrument, specifically
18 an item that purported to be a money order in the
19 amount of \$27,559.71, dated July 26th, 2012,
20 purporting to be drawn upon an account bearing a
21 United States Treasury routing number, in an
22 attempt to pay off a second mortgage loan, and
23 such fictitious instrument purported to be an
24 actual money order, a security, issued under the
25 authority of the United States. All in violation

1 of the statute.

2 Count III charges that on or about
3 July 12th, 2012, in the Southeastern Division of
4 the Eastern District of Missouri you knowingly,
5 with the intent to defraud, made a fictitious
6 instrument, specifically an item that purported
7 to be a money order in the amount of \$489,651
8 dated July 12th, 2012, purporting to be drawn
9 upon an account bearing a United States Treasury
10 routing number, for the purpose of presenting it
11 to the Bank of America in Cape Girardeau,
12 Missouri, in an attempt to pay off a mortgage
13 loan, and such fictitious instrument purported to
14 be an actual money order, a security, issued
15 under the authority of the United States. All in
16 violation of the statute.

17 Count IV, the Grand Jury charges
18 that on or about November 8th, 2012, in the
19 Southeastern Division of the Eastern District of
20 Missouri, you knowingly, with the intent to
21 defraud, presented to the First State Community
22 Bank in Cape Girardeau, Missouri, a fictitious
23 instrument, specifically an item that purported
24 to be a check in the amount of \$250,000, dated
25 November 8th, 2012, purporting to be drawn upon

1 the United States Federal Reserve Bank in
2 Cleveland, from an account bearing a United
3 States Federal Reserve Bank routing number,
4 payable to Cape Urgent Care, Inc. in Cape
5 Girardeau, Missouri, and such fictitious
6 instrument purported to be an actual check, a
7 security, issued under the authority of the
8 United States. All in violation of the statute.

9 Count V charges that on or about
10 December 12th, 2012, in the Southeastern Division
11 of the Eastern District of Missouri you committed
12 the crime of mail fraud, in that Defendant
13 devised a scheme to defraud by which he would
14 discharge a \$171,000 debt with the First State
15 Community Bank by presenting them with an account
16 closed check drawn on the Bank of America, and on
17 or about December 13th, 2012, for the purpose of
18 attempting to execute the above-described scheme
19 to defraud, you knowingly caused to be delivered
20 by mail check number 7979 dated December 12th,
21 2012, drawn upon a closed account with Bank of
22 America, payable to the First Community State
23 Bank, in the amount of \$171,000, bearing a
24 notation that it was for debt discharge, and at
25 the time Defendant caused the above-described

1 closed account check to be delivered to First
2 Community State Bank, he knew the Bank of America
3 account was closed and that he did not have
4 sufficient money in the account for the check to
5 clear, and he did so with the intent to defraud
6 the First State Community Bank out of the
7 \$171,000 he owed the bank. All in violation of
8 the statute.

9 So that's what you're charged with.

10 THE DEFENDANT: At some point do I
11 get to ask a question?

12 THE COURT: Yeah, you can ask a
13 question.

14 THE DEFENDANT: well, like the first
15 question is I don't know who you are, your name.

16 THE COURT: I'm a judge.

17 THE DEFENDANT: A judge?

18 THE COURT: Yes.

19 THE DEFENDANT: Do you have your
20 oath of office with you?

21 THE COURT: No.

22 THE DEFENDANT: You don't have your
23 oath of office with you?

24 THE COURT: That's correct.

25 Now, you have the right to be

1 represented by an attorney. You didn't talk to
2 pretrial services, which is your right, so we
3 don't know if you have any money or not, but you
4 need an attorney, so we are going to appoint a
5 federal public defender.

6 Do you know of any reason why the
7 public defender can't represent --

8 THE DEFENDANT: well, I can't accept
9 that.

10 THE COURT: -- Mr. Glenn?
11 I'm not talking to you at this time,
12 Mr. Glenn.

13 Mr. Swingle, do you know of any
14 reason why the public defender cannot --

15 MR. SWINGLE: I know of no conflict,
16 Your Honor.

17 THE COURT: Okay. All right.

18 THE DEFENDANT: And I object.

19 THE COURT: why do you object?

20 THE DEFENDANT: Because I will not
21 have an attorney appointed for me.

22 THE COURT: well, you're going to
23 have to have one.

24 THE DEFENDANT: I haven't consented
25 to anything that has happened today.

1 THE COURT: well, that doesn't
2 really make any difference, Mr. Glenn.

3 THE DEFENDANT: Yes, it does. And
4 you don't even have your oath of office, so how
5 do I even know you're a judge?

6 And what bonds do you have? I'd
7 like to see those as well.

8 My Fourth Amendment as well as my
9 Sixth, Seventh, Eighth and Ninth require that --

10 THE COURT: The public defender will
11 be appointed.

12 THE DEFENDANT: -- by the State
13 Department.

14 THE COURT: And you have the right
15 to remain silent. Anything you say can and will
16 be used against you. You don't have to answer
17 any questions. You don't have to make a
18 statement.

19 If you give up that right and begin
20 to answer questions, you can stop at any time.
21 You have the right to have your attorney with you
22 before you answer any questions. And even if
23 your attorney is with you, you still have the
24 absolute right not to answer any questions and
25 not to make a statement.

1 You're 57. You were born
2 January 11th, 1956.

3 The Government has filed a motion
4 for pretrial detention asking that you be held
5 without bail. We'll have a hearing on that on
6 Monday. You'll have the opportunity to talk to
7 your attorney before that hearing.

8 There are two public defenders.
9 One's name is Mike Skrien. The other is Scott
10 Tilsen. And they have an investigator named Ron
11 Johnson. And, as I say, you'll have a chance to
12 talk to your attorney prior to this hearing on
13 Monday.

14 And we'll schedule your arraignment
15 and detention hearing for February 11th, 2013, at
16 11:15 a.m.

17 Do you have any questions,
18 Mr. Glenn?

19 We'll be in recess.

20 THE DEFENDANT: Yeah. I have
21 questions, but it's --

22 THE COURT: Well, if you want to ask
23 a question, you may do so.

24 THE DEFENDANT: The simplest
25 question is not having consented to any of these

1 proceedings doesn't seem to matter to this Court.
2 That's fine.

3 THE COURT: No, it doesn't. You're
4 not here by choice.

5 THE DEFENDANT: I'm also, you know,
6 for the record not under this jurisdiction, but
7 that's just --

8 THE COURT: That's why you have an
9 attorney to raise that question.

10 THE DEFENDANT: What I would like to
11 know if I have one question is will I be afforded
12 a phone call?

13 THE COURT: Will you what?

14 THE DEFENDANT: Be afforded a phone
15 call.

16 THE COURT: Oh, I think so.

17 THE DEFENDANT: I hope so.

18 THE COURT: Does the Government have
19 anything they'd like to say?

20 MR. SWINGLE: Only, Your Honor, that
21 the indictment had been suppressed by letter of
22 the clerk, and that no longer needs to be
23 suppressed. (Inaudible).

24 THE COURT: Okay. All right. We'll
25 be in recess.

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(PROCEEDINGS CONCLUDED AT 2:39 P.M.)

C E R T I F I C A T E

I, Alison M. Garagnani, Registered Merit Reporter, hereby certify that I am a duly appointed Official Court Reporter of the United States District Court for the Eastern District of Missouri.

I further certify that the foregoing is a true and accurate transcript of the proceedings held in the above-entitled case. And I further certify that the foregoing pages contain an accurate reproduction from taped proceedings had on that date, transcribed to the best of my ability.

I further certify that this transcript contains pages 1 through 13 inclusive and that this reporter takes no responsibility for missing or damaged pages of this transcript when same transcript is copied by any party other than this reporter.

Dated Cape Girardeau, Missouri, this 19th day of June, 2013.

/s/Alison M. Garagnani
Alison M. Garagnani, CCR, CSR, RMR.
Official Court Reporter